

Notice of Allowability

Application No.

09/828,809

Examiner

Wesley D. Markham

Applicant(s)

TERNEU ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and amendment filed on 7/22/2005.
2. ☒ The allowed claim(s) is/are 125-153.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/660,755.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other

TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER

WDM

EXAMINER'S AMENDMENT / ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jerold Schneider on 9/9/2005.

The application has been amended as follows:

In the claims:

In Claim 127, line 1, the phrase "wherein the wherein the" has been amended to read --wherein the--.

In Claim 144, line 3, the word "furthering" has been amended to read --further--.

Allowable Subject Matter

Claims 125 – 153 are allowed.

The following is an examiner's statement of reasons for allowance. To begin, the examiner notes that this Office action is in response to the timely filed RCE and amendment filed by the applicant on 7/22/2005, in which Claims 96 – 124 were canceled and **Claims 125 – 153** were added. In light of the amendment canceling

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Claims 96 – 124, the associated 35 U.S.C. 112, first paragraph, rejections set forth in the previous Office action (i.e., the final Office action mailed on 4/26/2005) are withdrawn. Additionally, the examiner notes that the method recited in new Claims 125 – 153 was described in the specification in such a manner as to reasonably convey to one skilled in the art that the applicant had possession of the claimed invention at the time of filing (see, for example, pages 9 and 10 of the REMARKS section of the 7/22/2005 response, in which the applicant specifically points to the sections of the specification that support each of the claimed limitations in the context of the claimed method). Further, one of ordinary skill in the art would have been able to practice the method recited in Claims 125 – 153 without undue experimentation based on the ample guidance provided in the specification, including the myriad of experimental examples and corresponding results disclosed by the applicant (see, for example, Tables 1.1 – 1.5 of the specification). Please note that the subject matter of Claims 125 – 153 is fully supported by (grand)parent application 08/660,755, to which the instant application claims priority; therefore the effective filing date of Claims 125 – 153 is 6/10/1996 (i.e., the filing date of 08/660,755).

Turning to the prior art of record, Johnson (USPN 3,149,989) teaches depositing multiple layers of antimony-doped tin oxide, each layer having a different antimony concentration, on a window to achieve desirable optical / solar properties. Griest (USPN 4,286,009) teaches depositing a composite coating on a solar absorber surface in which the first layer can be antimony-doped tin oxide and the second layer can be fluorine-doped tin oxide. Guiselin et al. (USPN 5,965,246) teaches depositing a stack of layers

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including tin oxide and fluorine doped tin oxide to produce a glazing panel. However, none of the prior art of record, alone or in combination, teaches or reasonably suggests the method of forming a solar control glazing panel recited in independent Claims 125, 135, or 148, which method includes pyrolytically forming a first coating layer comprising tin and antimony oxides having a Sb/Sn molar ratio of 0.03 to 0.15 on a glass substrate in a specific manner and forming a second coating layer comprising tin oxide doped with fluorine on the substrate, wherein the glass / glazing panel has the specific combination of optical properties (i.e., solar factor, emissivity, and solar energy transmission (TE) and/or luminous transmittance (TL)) required by the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley D. Markham whose telephone number is (571) 272-1422. The examiner can normally be reached on Monday - Friday, 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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